

21 C.J.S. Courts § 208

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 208. Courts of other states

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  95(1)

A court is not ordinarily bound by decisions of courts of other states with regard to matters of local law although those decisions may be considered.

The courts of each state are free to decide for themselves issues relating solely to state law and are not bound by the decisions of the courts of other states on similar questions.¹ It is proper for a court of one state to consider the decisions of courts of other states upon similar questions, as aids in arriving at a correct decision,² especially when determining questions of first impression,³ or matters that were not fully developed in that state's law.⁴

A court's interpretation of a state constitution may consider well-reasoned and meaningful decisions made by courts of last resort in sister states that have similar constitutional provisions.⁵ Case law from other jurisdictions interpreting uniform statutory provisions can be helpful in

construing similar sections of the home state's law⁶ and promotes uniformity in interpretation.⁷ Although great deference may be owed by the courts of one state to the approach of another state's courts,⁸ and the rationale of those decisions may be found persuasive,⁹ decisions in other jurisdictions are not binding on matters of public policy.¹⁰ A court should not blindly follow another State's interpretations of its similar statutory scheme without taking into consideration the home state's unique character and history.¹¹ The sheer number of decisions of other jurisdictions one way or the other on a question is not controlling.¹² Thus, although a "nose count" of how many jurisdictions endorse a particular rule might be impressive, widespread acceptance alone will not compel the state supreme court to act similarly.¹³

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 U.S.—*Wichita Royalty Co. v. City Nat. Bank of Wichita Falls*, 306 U.S. 103, 59 S. Ct. 420, 83 L. Ed. 515 (1939).

Ala.—*Stone v. Mellon Mortg. Co.*, 771 So. 2d 451 (Ala. 2000).

Ga.—*Balmer v. Elan Corp.*, 278 Ga. 227, 599 S.E.2d 158 (2004).

Ill.—*People v. Rush*, 2014 IL App (1st) 123462, 386 Ill. Dec. 43, 19 N.E.3d 1196 (App. Ct. 1st Dist. 2014).

N.H.—*State v. Ball*, 124 N.H. 226, 471 A.2d 347 (1983).

N.C.—*Morrison v. Burlington Industries*, 304 N.C. 1, 282 S.E.2d 458 (1981).
- 2 Ga.—*Balmer v. Elan Corp.*, 278 Ga. 227, 599 S.E.2d 158 (2004).

Ind.—*City of Indianapolis v. Wright*, 267 Ind. 471, 371 N.E.2d 1298 (1978).

Neb.—*Kresha v. Kresha*, 216 Neb. 377, 344 N.W.2d 906 (1984).

Standard fire policy
When interpreting the standard fire insurance policy, courts look to the decisions of other jurisdictions with a similar policy.

Iowa—*Sager v. Farm Bureau Mut. Ins. Co.*, 680 N.W.2d 8 (Iowa 2004).
- 3 Colo.—*People v. Weiss*, 133 P.3d 1180 (Colo. 2006).

D.C.—*Estate of McKeever*, 361 A.2d 166 (D.C. 1976).

Me.—*Despres v. Moyer*, 2003 ME 41, 827 A.2d 61 (Me. 2003).
- 4 Ill.—*Draper and Kramer, Inc. v. King*, 2014 IL App (1st) 132073, 388 Ill. Dec. 571, 24 N.E.3d 851 (App. Ct. 1st Dist. 2014), appeal denied, 392 Ill. Dec. 365, 32 N.E.3d 673 (Ill. 2015).

Utah—*State v. Montiel*, 2005 UT 48, 122 P.3d 571 (Utah 2005).

- 5 Utah—*State v. Hernandez*, 2011 UT 70, 268 P.3d 822 (Utah 2011).
- 6 Cal.—*Ajaxo Inc. v. E*Trade Financial Corp.*, 187 Cal. App. 4th 1295, 115 Cal. Rptr. 3d 168 (6th Dist. 2010).
- 7 Ariz.—*Orca Communications Unlimited, LLC v. Noder*, 236 Ariz. 180, 337 P.3d 545 (2014).
- 8 U.S.—*Williams v. State of N.C.*, 325 U.S. 226, 65 S. Ct. 1092, 89 L. Ed. 1577, 157 A.L.R. 1366 (1945).
- 9 Kan.—*Nichols v. Kansas Political Action Committee*, 270 Kan. 37, 11 P.3d 1134 (2000).
- Miss.—*IGT v. Kelly*, 778 So. 2d 773 (Miss. 2001).
- 10 Ill.—*J & K Cement Const., Inc. v. Montalbano Builders, Inc.*, 119 Ill. App. 3d 663, 75 Ill. Dec. 68, 456 N.E.2d 889 (2d Dist. 1983).
- 11 Mont.—*City of Missoula v. Paffhausen*, 2012 MT 265, 367 Mont. 80, 289 P.3d 141 (2012).
- 12 Ark.—*Chamberlin v. State Farm Mut. Auto. Ins. Co.*, 343 Ark. 392, 36 S.W.3d 281 (2001).
- 13 Idaho—*Rountree v. Boise Baseball, LLC*, 154 Idaho 167, 296 P.3d 373 (2013).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.